



MS ISSUE FEE  
PATENT  
0698-0158P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT(S): CHEN, Tsung-Yun et al. CONF.: 9237  
APPL. NO.: 10/657,123 GROUP: 3748  
FILED: September 9, 2003 EXAMINER: TRIEU, THAI BA  
FOR: ROTARY ENGINE

REPLY TO ERRONEOUS INDICATION OF PUBLICATION FEE DUE

MS PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 29, 2004

Sir:

The following was received in the above-identified application:

- A separate Notice of Publication Fee Due  
 A Notice of Allowance with an indication of Publication Fee due.

It is believed that this requirement for a publication fee by the USPTO is in error.

In particular, the above-identified application:

- Has had a Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) for non-publication filed therein;  
 This is a Design application.  
 Should issue as a patent more than four (4) weeks prior to the projected publication date.  
 The application was only filed as a Request for Continued Examination (RCE), which does not trigger publication; and according to 37 C.F.R. § 1.211(e) the publication fee should not be due on this application.

In view of the Official Gazette Notice of July 31, 2001, 1248 O.G. 166, Applicant(s) hereby authorize the USPTO to charge the publication fee to Deposit Account 02-2448, if necessary. However, the USPTO should not charge the Deposit Account if the patent issues within sufficient time to remove the application from the publication queue. The USPTO is requested to notify the undersigned if the Deposit Account is charged.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: Joe McKinney Muncy  
JOE MCKINNEY MUNCY, #32,334  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

KM/jdn



## Actions Due

Monday, June 28, 2004

Page: 1

ocket Number: 0698-0158

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: IF

Base Date: 30-Mar-2004

Attorney KM

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
ISSUE FEE-1 MONTH	30-May-2004	Reminder	
ISSUE FEE-2 DAYS	28-Jun-2004	Reminder	
ISSUE FEE	29-Jun-2004	Final	
ISSUE FEE	30-Jun-2004	Final	

Remarks:

PUB FEE

Reply is being filed.  
No pub. Fee due.

JDN

User ID: carmr

Date Created: 31-Mar-2004

Last Update: 31-Mar-2004